

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

UNITED STATES OF AMERICA,

Plaintiff,

v.

LONNIE LILLARD,

Defendant.

2:06-cr-0291-PMP-LRL
 Motion to Dismiss (#38)

REPORT & RECOMMENDATION

On January 12, 2007, the defendant filed a proper person Motion to Dismiss Indictment and Complaint as a Result of Failure to State Offense and Post-Accusatory Delay (#38). At the time, he was authorized to represent himself in this case. Shortly thereafter, however, the defendant requested that he again be represented by counsel. The undersigned granted the request, and appointed John McNicholas, who had been the defendant's standby counsel. The undersigned directed Mr. McNicholas to review the proper person Motion to Dismiss (#38) and advise the court in writing as to whether, in Mr. McNicholas's professional judgment, any of the claims made by the defendant were legally or factually sustainable.

On February 3, 2007, Mr. McNicholas filed a Memorandum Addressing Defendant Lonnie Lillard's Motion to Dismiss, etc. (#44). In his Memorandum Mr. McNicholas carefully reviews each of the defendant's claims, and concludes essentially that each claim is without arguable merit. The undersigned has also reviewed the defendant's motion, and concurs with and adopts Mr. McNicholas's analysis.

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RECOMMENDATION

Based on the foregoing, it is the recommendation of the undersigned U.S. Magistrate Judge that the defendant's proper person Motion to Dismiss Indictment and Complaint as a Result of Failure to State Offense and Post-Accusatory Delay (#38) should be denied.

DATED this 9th day of February, 2007.



LAWRENCE R. LEAVITT
UNITED STATES MAGISTRATE JUDGE